

Docket No.: 066396-0059

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

JACKSON, DAVID, et al.

Serial No.: 10/628,044

Filed: July 25, 2003

For: **DIAGNOSING MALFUNCTIONING WHEEL ALIGNMENT SYSTEM****RECEIVED****JUN 15 2004**

Group Art Unit: Not known

Examiner: Not known

OFFICE OF PETITIONS**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below.

Date: June 11, 2004


Jessica Brown

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.10

Sir:

This is a request for reconsideration of the decision dismissing the petition (concerning which Supplemental Evidence was filed on November 24, 2003) to accord the application identified above a filing date of July 25, 2003, instead of a filing date of July 26, 2003.

This petition was filed on September 4, 2003. It consisted of:

- 1) Petition to Correct Filing Date under 37 C.F.R. § 1.10(d);
- 2) Declaration of Marc E. Brown in Support of Petition to Correct Filing Date Under 37 C.F.R. 1.10(d);
- 3) Declaration of Jessica S. Brown in Support of Petition to Correct Filing Date Under 37 C.F.R. 1.10(d);
- 4) Declaration of Richard ("Ike") Eichelberger Regarding Petition to Correct Filing Date Under 37 C.F.R. 1.10(d);
- 5) Declaration of Edna Long Regarding Petition to Correct Filing Date Under 37 C.F.R. 1.10(d); and

6) Declaration of Diana Bayliss Regarding Petition to Correct Filing Date Under 37 C.F.R. 1.10(d).

The decision indicates that these papers appear to have been misplaced and did not take them into consideration.

An additional copy of these papers is attached as Exhibit 1.

An identical petition, relying upon the identical evidence, was also filed on September 4, 2003, in the co-pending PCT counterpart application, Serial No. PCT/US03/23560. A copy of this petition is attached as Exhibit 2. This identical petition was granted in an opinion received by applicant's attorney on February 6, 2004. A copy of the decision granting this identical petition is attached as Exhibit 3.

The decision in this case dismissing the petition states that the term "normally" in the declaration of the USPS employee is unclear. The decision also interprets the declaration of the USPS employee to merely be stating that a package could not have been received at another postal location on that same day that it was checked, but fails to make clear that such a package could not have been received at the postal location in question on that same day.

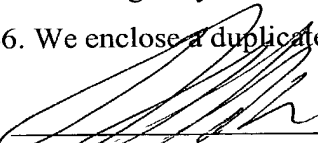
Petitioner has since procured a new declaration from this same postal employee that overcomes both of these concerns. This is attached as Exhibit 4.

The new declaration no longer uses the word "normally." Instead, it unequivocally states that the package had to have been delivered the previous day. The new declaration also makes clear that it would have taken more than 30 minutes to have checked the package in after it was dropped off at "any of the locations" serviced by the check-in location, thus clearly embracing the location at which the drop off was made.

Reconsideration of this petition is therefore respectfully requested.

Please charge any required fee to our Deposit Account No. 501946, and reference attorney docket number 66396-059-6806. Please charge any additional fees or credit any overpayment to Deposit Account No. 501946. We enclose a duplicate copy of this response.

June 11, 2004
Date



Marc E. Brown, Reg. No. 28,590
Attorney for Applicant

MCDERMOTT WILL & EMERY LLP
2049 Century Park East
Los Angeles, CA 90067
Telephone: (310) 277-4110
Facsimile: (310) 277-4730

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